

*Young Offenders Act*

I do not want to in any way wish my remarks to be interpreted as an attempt to slough off what is our rightful responsibility. I do, however, believe that we might exacerbate this problem unless the approach we take to this issue is more global than sentencing change alone.

The public is fully entitled to have the best protection from crime, particularly violent crime, but it strikes me that some of the recent events speak as much if not more to administrative issues of programs, access to treatment, and security of the actual institution that young offenders are being housed in, as they do to the appropriateness of the law. These matters are provincial concerns.

They must be addressed as well. I was very surprised to learn of the differences of view amongst the provinces and territories as to the appropriateness of the current law for youth charged with murder. One must question what some jurisdictions are doing differently to give them the confidence that their communities are being adequately protected.

With respect to the Minister of Justice's handling of this issue, he has to be commended for the approach he has taken. It is my view that he has quite properly resisted the urge to propose quick amendments and has made it clear that he will await the results of a comprehensive study being undertaken by federal and provincial officials. I understand this study has the support of all provinces and that it is being conducted in the shortest timeframe possible.

It seems eminently reasonable to conclude that it would be premature for Members of Parliament to proceed with amendments to the Young Offenders Act in the absence of such a study. This is one of the reasons which makes me uncomfortable here today with the Private Member's Bill before us.

There are other points, however, which also cause me some difficulty. With respect to the sentencing approaches he proposes, I would first like to deal with the suggestion that the sentence be raised for 12 and 13 year olds. It does seem that this approach would offer more flexibility for extending the benefits of the treatment program to seriously disturbed youth, should that extra time be required.

My question to the Hon. Member is why such a program should not be considered for older adolescents? This would, of course, not be appropriate for certain

youth whose past histories, age and circumstances of the current offence indicated that longer incarceration is required to ensure protection of the public. But it does seem viable for certain youth who may be older than 12 or 13 years of age.

The other proposal to have all youths 14 years of age or older automatically transferred to adult court seems unnecessarily rigid. I acknowledge that its strengths are that it reflects societal condemnation of the crime of murder and it also provides for protection of the public during the period of the youth's incarceration, but from my perspective, it may raise more problems than it will solve. While I do not wish to hold myself out as any expert on this issue, I thought of one of the reasons for having a distinct law for youth was that adolescents should generally not be held as responsible for their actions as adults. Therefore, from a common sense point of view, surely those of us who are parents place different expectations on our children based on their ages, and discipline them in ways that reflect this.

While I hope nothing I say here today will be misconstrued, for certainly the offence of murder is the gravest crime, I do not believe it should be necessary to subject all youth convicted of murder to sentences of life imprisonment. For the first offenders of first and second degree murder, the adult courts have no discretion and therefore must impose life imprisonment. Further, the Criminal Code establishes the minimum period of the sentence which must be served before the offender is eligible for parole. The result is that a 14 year old who is transferred and convicted of first degree murder would spend a minimum of 25 years in a federal penitentiary. Although I do not know a specific case, I suppose there may indeed be a case of a 14 or 15 year old for which there appears to be no other alternative than to impose such a sentence. This would indeed be a sad comment, but I acknowledge that our criminal laws must possess sufficient latitude to be able to respond to such a case where the paramount interest must be the protection of our communities.

I would be reluctant to accept, however, that this is the case for all youth who have been convicted of murder. In this regard I would ask the Hon. Member for Scarborough—Agincourt whether he is in possession of information that would suggest that protection of our communities demands the approach that he has taken. If so, I am at a loss to understand why certain provinces have expressed the view that the current law is adequate.